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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION X
1200 Sixth Avenue
Seattle, Washington 98101

IN THE MATTER OF:

Environmental Protection Agency,

Complainant,

v.

Pacific Wood Treating Corporation
EPA ID. No. WAD0098036906,

Respondent.

RCRA Docket 1085-09-26-3008P

MOTION TO DISMISS OR
ALTERNATIVELY FOR AN
ACCELERATED DECISION



Respondent, Pacific Wood Treating Corporation, pursuant to 40 CFR §22.20, hereby moves to dismiss the Complaint and Compliance Order filed herein by the United States Environmental Protection Agency Region 10 ("EPA"), on the grounds that EPA has failed to establish a prima facie case and has further failed to establish a right to the relief it requests. Alternatively, respondent is entitled to an accelerated decision dismissing the Complaint and Compliance Order because there is no genuine issue of material fact in this case and respondent is entitled to judgment as a matter of law.

This motion is based on the Resource Conservation and Recovery Act, In The Matter of BKK Corporation, RCRA (3008) 84-5 and In Re Martin Electronics, Inc., RCRA-84-45-R and is supported by the

1 attached memorandum, the Affidavits of Eric Egbers, Mark Moothart
2 and Patrick Wicks and documentary evidence.

3 DATED this 23rd day of May, 1986.

4 HELLER, EHRMAN, WHITE & MCAULIFFE

5
6 By William D. Maer
7 Ralph H. Palumbo
8 William D. Maer

9 Attorneys for Respondent,
10 Pacific Wood Treating
11 Corporation
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